IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.910 of 2008
BHARAT MAHTO
Versus
STATE OF BIHAR
---

2. 29.8.2008. This revision has been preferred against the judgment dated 18.7.2008 passed by Ist Additional Sessions Judge, Vaishali in Cr. Appeal No.21 of 2008 thereby and thereunder the judgment of conviction and sentence dated 24th April,2008 passed by Shri Ramjee Singh Yadav, Judicial Magistrate, Ist Class, Hajipur in Trial No.1190 of 2008 has been confirmed.

The learned Magistrate has convicted the petitioner under section 25(1)(a) as well as 26 of the Arms Act and has sentenced him to undergo R.I. for three years with fine of Rs.1,000/- under section 25(1)(a) Arms Act and R.I. for one year with fine of Rs.500/- under section 26 of the Arms Act.

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The only submission of the learned counsel for the petitioner is that the petitioner has already remained in jail custody for two and a half years. He is a young man having his family. This petitioner has no criminal antecedent. However, the learned counsel for the petitioner has not challenged the order of conviction.

Considered the submission of the learned counsel for the petitioner as also the State and also perused the impugned judgments. The petitioner was found in possession of six fire arms. However, no any cartridge was recovered from possession of this petitioner. This petitioner has already remained in jail custody for two and a half years

i.e. since 2.9.2006.

Accordingly, this revision application is allowed only with modification in the order of sentence which is the period already undergone by the petitioner. Petitioner is directed to be released at once if not wanted in any other case.

Let this order be sent to the court below through fax on cost being deposited by the petitioner.

(Ghanshyam Prasad)

N.H./

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